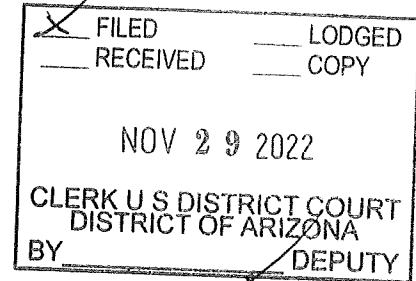


1 GARY M. RESTAINO  
2 United States Attorney  
3 District of Arizona

3 GAYLE L. HELART  
4 California State Bar No. 151861  
5 Email: gayle.helart@usdoj.gov  
6 BRETT A. DAY  
7 Arizona State Bar No. 027236  
8 Email: brett.day@usdoj.gov  
9 Assistant United States Attorneys  
Two Renaissance Square  
40 N. Central Ave., Suite 1800  
Phoenix, Arizona 85004  
Telephone: 602-514-7500  
Attorneys for Plaintiff



10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF ARIZONA

12 United States of America,  
13  
14 Plaintiff,

15 vs.

16 James Thomas Andrew McCarty,  
17  
18 Defendant.

No. CR-22-8133-PCT-SPL (MHB)

**REDACTED  
INDICTMENT**

VIO: 18 U.S.C. § 844(e)  
(Making a False Statement)  
Counts 1 – 9

18 U.S.C. § 1038(a)(1)(A)  
(False Information and Hoax)  
Counts 10 – 18

18 U.S.C. §§ 2261A(2)(B) and  
2262(b)  
(Stalking)  
Count 19

18 U.S.C. § 1028A(a)(1)  
(Aggravated Identity Theft)  
Counts 20 - 26

24  
25 **THE GRAND JURY CHARGES:**

26 **COUNTS 1 - 9**

27 On or about the dates below, in the District of Arizona, and elsewhere, Defendant  
28 JAMES THOMAS ANDREW McCARTY, through the use of the mail, telephone,

telegraph, and other instrument of interstate and foreign commerce, willfully made a threat and maliciously conveyed false information knowing the same to be false concerning an attempt and alleged attempt being made and to be made, to kill, injure, and to intimidate and unlawfully to damage and destroy a building, vehicle and other real or personal property, by means of fire and an explosive, in and affecting interstate and foreign commerce, to wit:

| Count | Date      | Location Call Made From | Location Call Made To                             | Contents of Call  |
|-------|-----------|-------------------------|---|---|
| 1     | 1/17/2021 | Kayenta, Arizona        | Police Department in Gwinnett County, Georgia     | Pipe bombs  |
| 2     | 1/24/2021 | Kayenta, Arizona        | Police Department in South Plainfield, New Jersey | Pipe bombs  |
| 3     | 1/25/2021 | Kayenta, Arizona        | School in Westfield, Indiana                      | Will start shooting at school; Propane bottles                                  |
| 4     | 1/25/2021 | Kayenta, Arizona        | School in Vinita, Oklahoma                        | Will start shooting at school; Propane tanks                                    |
| 5     | 4/16/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Will blow up his trailer; bombs planted in driveway; will kill kids and police. |
| 6     | 4/21/2021 | Kayenta, Arizona        | Police Department in Cumming, Georgia             | Pipe bomb; Shoot at police  |
| 7     | 5/10/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Pipe bomb; detonate them and kill police.                                       |
| 8     | 5/20/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Bombs outside of a retail location.   |
| 9     | 6/15/2021 | Kayenta, Arizona        | Police Department in Cumming, Georgia             | Pipe bombs; Shoot at police   |

In violation of Title 18, United States Code, Section 844(e).

**COUNTS 10 - 18**

On or about the dates below, in the District of Arizona, and elsewhere, Defendant JAMES THOMAS ANDREW McCARTY did intentionally convey false and misleading

information described below, under circumstances where such information may reasonably have been believed, that indicated that an activity had taken, was taking, and would take place that would constitute a violation of 18 U.S.C. § 844(e), to wit:

| Count | Date      | Location Call Made From | Location Call Made To                             | Contents of Call  |
|-------|-----------|-------------------------|---|---|
| 10    | 1/17/2021 | Kayenta, Arizona        | Police Department in Gwinnett County, Georgia     | Caller had killed one person and harmed another person in home; pipe bombs would be used.                   |
| 11    | 1/24/2021 | Kayenta, Arizona        | Police Department in South Plainfield, New Jersey | Caller had killed one person and harming another person in home; caller may blow up house and harm himself. |
| 12    | 1/25/2021 | Kayenta, Arizona        | School in Westfield, Indiana                      | Caller was at his high school about to start shooting with guns; caller would shoot at propane bottles.     |
| 13    | 1/25/2021 | Kayenta, Arizona        | School in Vinita, Oklahoma                        | Caller was at his high school about to shoot with guns; caller had propane tanks.                           |
| 14    | 4/16/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Caller had bombs planted and would blow up trailer, shoot water tank, kill kids and responding police.      |
| 15    | 4/21/2021 | Kayenta, Arizona        | Police Department in Cumming, Georgia             | Caller had shot person in home and if police came, caller had a pipe bomb.                                  |
| 16    | 5/10/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Caller put pipe bombs in yard; would detonate them and kill everyone if police responded.                   |
| 17    | 5/20/2021 | Kayenta, Arizona        | Police Department in Parma, Ohio                  | Caller had four bombs outside retail store.   |

|    |           |                     |   |  |
|----|-----------|---------------------|---|--|
| 18 | 6/15/2021 | Kayenta,<br>Arizona | Police Department<br>in Cumming,<br>Georgia | Caller killed three<br>people in home and<br>would use pipe bombs<br>and shoot police. |
|----|-----------|---------------------|---|--|

In violation of Title 18, United States Code, Section 1038(a)(1)(A).

### **COUNT 19**

Between on or about April 7, 2021 and June 30, 2021, within the District of Arizona and elsewhere, Defendant JAMES THOMAS ANDREW McCARTY, with the intent to harass and intimidate J.B., used an interactive computer service, electronic communication service, electronic communication system of interstate commerce, and any other facility of facility of interstate commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to J.B. and an immediate family member. The course of conduct included, but was not limited to:

| <b>Date</b> | <b>Location Call<br/>Made From</b> | <b>Location Call<br/>Made To</b>    | <b>Contents of Call</b>   |
|-------------|------------------------------------|-------------------------------------|---|
| 4/7/2021    | Kayenta,<br>Arizona                | Police Department<br>in Parma, Ohio | Caller stated he was J.B., XXXX Rustic Trail, possessed a gun, and had killed his wife.                             |
| 4/16/2021   | Kayenta,<br>Arizona                | Police Department<br>in Parma, Ohio | Caller stated he was J.B., XXXX Rustic Trail, had killed his wife, and had bombs planted.                           |
| 5/10/2021   | Kayenta,<br>Arizona                | Police Department<br>in Parma, Ohio | Caller stated he was "Kyle Price," XXXX Rustic Trail, had killed his wife and would kill responding police.         |
| 5/17/2021   | Kayenta,<br>Arizona                | Police Department<br>in Parma, Ohio | Caller stated he was B.B. XXXX Rustic Trail, that his dad shot his mom, and that his dad had lit the house on fire. |

|           |                     |                                     |   |
|-----------|---------------------|-------------------------------------|---|
| 5/20/2021 | Kayenta,<br>Arizona | Police Department<br>in Parma, Ohio | Caller stated he was J.B.<br>and that he had four<br>bombs outside a retail<br>location.  |
| 6/13/2021 | Kayenta,<br>Arizona | Police Department<br>in Parma, Ohio | Caller stated he was<br>"Graydon," XXXX<br>Rustic Trail, had shot<br>his mother in the head<br>and would shoot back at<br>police. |
| 6/30/2021 | Kayenta,<br>Arizona | Police Department<br>in Parma, Ohio | Caller said he was J.B.,<br>that his dad shot his<br>mom and that his dad<br>had a rifle.   |

In violation of Title 18, United States Code, Sections 2261A(2)(B) and 2262(b).

**COUNTS 20 - 26**

On or about the dates below, in the District of Arizona, and elsewhere, Defendant JAMES THOMAS ANDREW McCARTY did knowingly transfer, possess, and use without lawful authority, a means of identification of another person during and in relation to a felony violation of 18 U.S.C. § 1038(a)(1)(A), to wit:

| COUNT | DATE      | Identifiers used   |
|-------|-----------|--|
| 20    | 1/24/2021 | J.R.R., XXX East Elmwood Drive (South Plainfield, New Jersey). |
| 21    | 1/25/2021 | G.M., student at Westfield High School, Westfield, Indiana     |
| 22    | 1/25/2021 | S.K., student at Vinita High School, Vinita, Oklahoma          |
| 23    | 4/7/2021  | J.B., XXXX Rustic Trail, Parma, Ohio                           |
| 24    | 4/16/2021 | J.B., XXXX Rustic Trail, Parma, Ohio                           |
| 25    | 5/20/2021 | J.B.   |
| 26    | 6/30/2021 | J.B., XXXX Rustic Trail, Parma, Ohio                           |

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In violation of Title 18, United States Code, Section 1028A(a)(1).

A TRUE BILL

S/  
FOREPERSON OF THE GRAND JURY  
Date: November 29, 2022

GARY M. RESTAINO  
United States Attorney  
District of Arizona

S/  
GAYLE L. HELART  
BRETT A. DAY  
Assistant U.S. Attorneys